Previous references.

1913. 14
(C5)

File No. 233-13

Serial Nos. 1-7

Later references.

Court-208-17(1-4)
" 208-18(1-5)

Present
18

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-7

Part B. for May '14

SUBJECT.

Jurisdiction to try as case of dacoity against Fazlal & 4 other sepoys of the X "Ammunition Column, Indian Army.

---

1 From The D.M. Bl. Dt 711 of 19.3.14.
Forwards the records together with the docket stating that jurisdiction cannot be exercised without the sanction of Govt.

2. To The F.A. Resdt 793 of 7.4.14.
Reports that permission may be accorded for the trial.

3. From The F.A. Resdt 2982 of 30/4/14
States that the Resdt has no objection to the accused persons being tried.

G. R. S. 58

P. T. O

M. Ghosal
28.9.14.

4. To the D. M. Bf. 3200 of 11/5/14.
Intimates as in Sl. No. 4.

5. From the Dm. Bf. 943 of 25/5/14
states that the identification is reliable & trustworthy & forwards the records.

6. To the Dm. Bf. 3574 of 28/5/14.
states that the case may be proceeded with.

7. To the F.A. Reader 954 of 28/5/14
states that the Dm. Bf. has been directed to proceed with the case.

G.R.S. 11] 1913-14 3000

GENERAL AND REVENUE SECRETARIAT.

(Courts)

NOTES.

File No. 2330 of 1913

FILE HEADING.

Jurisdiction to try a case of dacoity against Yazalal and four other sepoys of the X th Ammunition Column, Indian Army.

From

The Dist Magistrate, Bangalore Dist

No. 711 Dated 19-3-1914 Received 20-3-14

Diary No.	Enclos.	Spare Copies.	Serial No.
13000	1 record		1

BRIEF ABSTRACT OF LETTER.

Forwards for orders of Govt the records in cal mis case no 498 of 1913-14 on the file of the City Magistrate of Bangalore together with a copy of his docket-Stating that jurisdiction cannot be exercised by him without the sanction of Govt

NOTES AND ORDERS.

Flag S

According to the amended letter of 11.5.03 from the Resident, jurisdiction has to be specially conceded for trying a native soldier or sepoy of the Indian Army who commits an offence in a native State while not on leave.

NOTES—First Sheet.

GPB—35,000—15-6-12

G. R. S. 12]

General and Revenue Secretariat. | Cls File No. 233 of 1913-44

Serial No.

Please vide flag K

2 Considering the nature of the offence and the circumstances in which it was committed it is a matter for order if the Residency should be addressed for permission to the offenders being tried by the Durbar courts. The charge sheet having been placed before the City Magistrate, it is not known if the Military authorities have taken any action on the offence said to have been committed by the sepoys. The accused persons have been identified by some of the prosecution witnesses in an identification parade arranged by the Military authorities.

do

Q

3 Submit for orders.

Sd.-MG
23.3.1944 MM

4 Please put up a draft to the Resy. requesting permission to try them in the State Courts.

Sd/-
24/3

1st member doubts legality of Notfn. IPL

5 Draft. Submit.

Sd.-MG / approval a State order.
24/3/1944 MM

25 6 In a similar case the 1st member expressed the opinion that the Notfn. of Govt dy 12.12.1906 is

Page 6 of the note in Cls 176-13 pinned hereto

NOTE—Contn. sheet.

GPB—60,000—7-11-13

8000- 3

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 233 of 1913-14

Serial No.

ultra vires & the particular case in which he expresses the opinion will be soon referred to the Chief Court by the Dt Magte. If the notifn is ultra vires, then the City Magte will have jurisdiction

By Lr
First Member)

SJOR 25/3
D.M. Narasyalar SJR

for 7 Draft appd: by 1st Member.
NRV. 1.4.14.

SSup SJOR 2/4

2 To the Y.A. Resident no 793 dy 7th April 1914
Requests that, in the circumstances stated, permission may be accorded for the trial of the accused persons by the Durbar Court having jurisdiction.

3. From the same officer no 2982 dy 30 April 1914.
States that the Resident has no objection to the accused persons being tried by the Durbar Court having jurisdiction, if the identity of the accused is

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | Cb File No. 233 of 1913.

Serial No.

P

Encl 6 Cb 233-13-3

is prima facie established, I forwards copy of a letter from the Officer commanding the corps on the point.

& Submit for orders.

S.S.74. 2/5/14 Nil

9 Draft to the Dt. Magte according to the ask him to report if the identification is prima facie established

SSON 2/5

10 Draft as above is Subd.

KG. 116 4/5/1914 Nil

SSON 4/5

Ker

11 Approved Done 5/5

3544

4 To The Dist. Magistrate, Bangalore

No J 3200 dy 11.5.1914

State that there is no objection to the trial of the accused persons by the Mysore Court provided the identification of the accused persons is prima facie established and calls for a report if the identification is so established.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

G. R. S. 12]

General and Revenue Secretariat. | C5 File No. 233 of 1913-14

Serial No.	
5	From the Dy: Com'r Dist. Mgte, Bannu No 943 dy 25: 5: 1914
	States that the identification is reliable and trustworthy and forwards the reconds.
X	12 From the Tahsildar's report it will be seen that one of the accused persons has been discharged from the Corps by the Mily authorities without intimation to the City Police.
N C-233-13-3	13 From the Residency reply dated 30.4.14 it seems that no further reference to the Residency is necessary and that the case may now be proceeded with.
	14 Subd for orders. Mg. 116 27/5/1914 (48)
	27/5/14 15 Draft to the Dt Magte to proceed with the case.
	16 The Resy may also be informed that as the identification is reported to be prima facie established, the Dt Magte has been asked to proceed with the case.
	17 Drafts ready SDM 27/5
	18 Two drafts subd. & approved & other orders Mg. 116 27/5/1914 (48) 27/5/14
	19 Sent SDM 27/5

B 116

NOTE—Contin. sheet.

GPB—60,000—7-11-13

Approved Issue at once

Dues 28/5

SDM

G. R. S. 12]

General and Revenue Secretariat.

Ts. File No. 233 of 1913.

Serial No.	
6	To The Dist. Magistrate, Bangalore Dist. No. J 3514, Dt 28-5-14. States that the case may be proceeded with.
7	To The 7. A. Resident in Mysore. No. Pol. 954, Dt 28-5-14. States that, as the identification is reported to be prima facie established the Dist Magistrate, Bangalore, has been directed to proceed with the case.

NOTE—Contn. sheet.

GPB—60,000—7-11-13

1913—14

From The Dt. Magistrate, Bangalore Dt.

To The Secretary to Govt. Genl & Rev Depts, Bangalore.

Dated

Despatched 19 March 14

Received

General No.

No.

Enclosure No. Record + 1 Copy

For favour of Records in Cr. Misc Case No 498 of 13-14 of the City Magistrate's file.

2

Office of the Deputy Commissioner,
Bangalore District.

J 3000

Dated Bangalore, 19th March 1914.

DIARY No.----- in Revd 1 Copy-

From

K.Chandy Esq.,B.A.,

FILE No. 233-13 Deputy Commissioner,& District Magistrate,

SERIAL No. 1 Bangalore District.

To

K.R.Srinivasa Iyengar Esq., M.A.,
Secretary to the Government of H.H.
the Maharaja of Mysore, Genl and Rev. Depts.

Sir,

I have the honor to forward herewith records in criminal miscellaneous case No.498 of 1913-14 on the file of the City Magistrate of Bangalore, together with a copy of Hdqrs his docket No.480 dated the 17th instant for such orders as the Government may deem fit to pass in the matter of -- jurisdiction to try the case by him, as all the five accused persons are Sepoys of the Xth Ammunition Column of the -- British Indian Army.

I have the honor to be
Sir,
Your most obedient servant.

K. Chandy

Deputy Commissioner,&
District Magistrate,
Bangalore District.

L.S.R.
1.

Copy of docket No. 480 dated 17th march 1914. from the City Magistrate, Bangalore to The District Magistrate, Bangalore District.

Has the honor to forward herewith the Charge sheet and other papers in Mis: case No. 498 of 1913-14 on the file of this Court in which the Bangalore Taluk police have charged Tasalal and 4 others with offences under Sections 395 and 397 of I. P. C. for orders as jurisdiction in this case cannot be exercised by the undersigned without government Sanction as under Notification

4

No. J. 1598 / Cts 75-06-2 dated 11th Decem- ಫಿಷ್ಟ್ಸ್

-ber 1906.

(S.d) B.S. Ramoji Rao

City Magistrate

Bangalore.

(Copy).

K. Chandy

District Magistrate

Bangalore District

Requesting permission to certain sepoys of the Madras Army being tried by the Durbar Court for offence committed in Mysore

G. R. S. 26]

2/3

Diary No. of letter replied to

File No. 233-13

Serial No. 2

Pol No. 793/2 & file.

General and Revenue Secretariat

( )

, the 191 .

To

The H. A. Resident

Date of issue 7. 4. 14.

Sir

Signed by Sir K. R. Srinivasaiyar.

I am directed to acknowledge the receipt of your office letter No. 262 dated the 11th May 1905 regarding the jurisdiction of Criminal Courts in Native States over Native Officers and Soldiers of the Indian Army, and to forward herewith a copy of a letter from the District Magistrate of Bangalore together with a copy of its enclosure requesting

P. T. over.

Papers under disposal

SUBJECT.

that a charge sheet has been
placed before the City Magistrate
of Bangalore Chanquis Fazalal
and four others reports of the
X^th Ammunition Column of
the Indian Army with having
committed on the night of the
28th Feb^y 1914 in Koramangala
Village, Bangalore Taluk, offence
punishable under Sec^s 395 &
397 of the Indian Penal Code
and to request that, if there be
no objection, permission may kindly
be accorded for the accused persons
being tried by the Bombay Court
having local jurisdiction.

The original records of
the case are also enclosed
for reference and kind return
when no longer required.

I have &c

Dinn 26/3

Spl for Secy to Govt

Hy-MG MK
24/3/1914
5

List of enclosures.

Two of the file

MK

1/4/14

Copied by

Examined by MK

GPB—25,000—8-8-11.

Pol No 1871
2 1.5.14

No. 2982

1 Homefile

From J 3524

P. B. WARBURTON, Esq., I. C. S.,
First Assistant to the Resident in Mysore.

DIARY No.....

	1913-1914
SECTION	Eb
FILE No.	233-13
	3

To The Dewan of Mysore.

Dated Bangalore, 30th April 1914

Sir,

I am directed to acknowledge the receipt of Mr. Srinivasiengar's letter No. 793 Pol., dated the 7th April 1914, regarding charges of dacoity against Fazalal and four other sepoys of the 10th Ammunition Column of the Indian Army, committed within the limits of the Mysore State.

2. I am to state that the Resident has no objection to the accused persons being tried by the Durbar Court having local jurisdiction provided that their identification is prima facie established. In this connection, I am to forward a copy of letter No. 524, dated the 20-4-1914 from the Officer Commanding, 10th Ammunition Column, Royal Field Artillery.

3. The enclosures to the letter under reply are returned herewith.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

P.T.O.

R. O. 2.—R P. B.—3-1914.—1,000.

2 Enclosures 233-13-3 8

Letter No. 524, dated the 20th April 1914, from the Officer Commanding, 10th Ammunition Column, Royal Field Artillery, to the Adjutant, 15th Brigade, Royal Field Artillery.

With reference to the attached correspondence:-

Accused No. 1 No. 20002 — Indian Gunner Fazal Ali was on guard in the 13th Brigade Guard room on the night in question. In his case the identifying witness must be in error.

Accused No.3 No. 20151 — Indian Gunner Mir Khan has been discharged at his own request.

Accused Nos. 2,3,4,5. — All bear good characters and will produce witnesses to prove their presence in their barrack rooms on the night in question.

I have no objection to the men being tried as requested, if the evidence of identification is considered good.

Copy.

Registrar,
Resident's Office.

No. 2983.

A copy of the foregoing letter is forwarded herewith to the Station Staff Officer, Bangalore, for information with reference to his letter No. 700/2/A, dated the 25th April 1914.

(Sd/ P. B. Warburton,
First Assistant Resident.

4 Trial of certain sepoys of the D. A. Column by the Mysore Court-

G. R. S. 26] 5/5 3524

File No. 2330 of 1913

Serial No. 4

Diary No. of letter replied to

No. J 3200 Encl. 1 file + Letter

General and Revenue Secretariat

( )

, the *191* .

To

The District Magistrate

Bangalore

Date of issue 11-5-14.

Signed by

Sir,

Paper under disposal

Adverting to your letter no 761 Dy the 19th Mar 1914, requiring the trial of Fazalal and four other sepoys of the 10th Ammunition Column of the Indian Army, I am directed to state that the Hon'ble the Resident has no objection to the trial of the accused persons ~~being tried by~~ by the Mysore Court having local

JT. over.

SUBJECT.

jurisdiction provided that their identification is prima facie established.

A copy of the letter no. 524, dt the 20th April 1914, from P the Govt Cannanore, 10th Annexure in Colmm, R.F.A., in the matter is herewith forwarded with the request that a report may be sent up the identification
both if is ~~prima facie~~ established.

The original records of the case received with your letter under reply are herewith returned.

Yours etc

Sd/-

For Secy to Govt.

Dupes 5/5

List of enclosures,
1 copy of letter
to file.

Mg.-116

4/5/1914

Copied by

Examined by 6/5/14

GPB—25,000—4-3-13

TW/105 190 12

From The Deputy Commissioner
cls 14/7 Bangalore District
Po
To The Secretary to the Government
of Mysore

Dated

Despatched 25-5-14

Received

General No. P. 943
No.

Enclosure No. one file

Re. The trial of Fazalal and
4 other accused of the 10th
Annunciation R...

13

Office of the Deputy Commissioner
Bangalore District

No. 943
Index of records.

Dated. Bangalore. 25th May 1914.
J 3834

C/3/1014
SECTION 65
FILE No. 233-1913.
FILE No. 5

From

D. Chandy Esquire B.A.
Deputy Commissioner
Bangalore District.

To

The Narasinga Rao Esquire BA. BL.
Offg. Secretary to the Government of Mysore.
General and Revenue Departments
Bangalore.

Sir,

With reference to your letter No J 3200 of the 11th May 1914, regarding the trial of Dazalal and four other sepoys of the 10th Ammunition Column of the Indian Army, I have the honor to state that the Amildar Magistrate of the Bangalore Taluk reports in No. 1159 of the 16th Instant that the accused were identified when they were mustered along with the whole Column and in the presence of some of their officers; and that the identification is reliable and trustworthy.

2. The Correspondence ending with Police Superintendents No. 4331 dated 19th May 1914 is herewith submitted for reference and obliging return when it is no longer required

I have the honor to be.

Sir,

Your most obedient Servant

for Deputy Commissioner
Assistant Commissioner
Bangalore District absent on.

Re trial of Indian Sepoys by Mysore Court 174

√

J. R. S. 26] 28/5

ab

ds

File No. 2330/1913

Serial No. 6

2805

Diary No. of letter replied to

No. 3514 Small file

General and Revenue Secretariat

( )

, the *191* .

To

The District Magistrate,

Bangalore Dist.

Date of issue 28/5/14

Signed by Lt S P Rajagopalachar

Sir,

Paper under disposal

With refee to correspondence ending with your letter no. 943 Dy. dt. 25.5.1914, reporting the identification of Fazalal and four other sepoys of the 10th Hussain Infantry Column, concerned in a case of dacoity, is reliable and trustworthy, I am directed to state that the case may be proceeded with.

P.T. over.

SUBJECT.

15

The records referred to in your letter
referred to above are herewith
returned.

Yours etc

Secy

Secy 28/5

(48)
27/5/14

List of enclosures

Copied by 28/5/14

Examined by

GPB—25,000—4-3-13

Re trial of Indian Sepoys by Mysore Court 16.

G. R. S. 26]

65 File No. 233 of 1913

Serial No. 7

Diary No. of letter replied to

Ale
2dl 65
Pol No. 954

General and Revenue Secretariat
( )
, the 191 .

To The H. A. Resident

Date of issue 21. 5. 14

Signed by S. M. Narasinga Rao

Sir,

Adverting to correspondence ending with your letter no. 2982, dated the 30th April 1914, regarding charges of dacoity against Fazalal and four other sepoys of the 10th Mysore Infantry Column of the Indian Army, I am directed to state that, as the identification is reported to be prima facie established, the District Magistrate of

Over.

SUBJECT.

17—

Bangalore has been directed to proceed with the case.

I have the

Secret 28/5

Spl Dept: See Legal

Leg. 406

27.5.1914

(48)

27/5/14

List of enclosures

Copied by 28-5-14

Examined by

GPB—25,000—4-3-13